



CDSS

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ARNOLD SCHWARZENEGGER
GOVERNOR

July 11, 2008

Pat Cheadle, Director
Kern County Department
of Human Services
100 E. California Ave.
Bakersfield, CA 93307

Dear Ms. Cheadle:

I want to take this opportunity to thank you and your staff for the cooperation and assistance provided the reviewer from our office during the course of the Civil Rights Compliance Review of May 20 – 22, 2008. Enclosed is the final report on the review.

There were some compliance issues identified in the report, which will require the development of a corrective action plan. Please submit your plan within sixty days of this letter. Please address each deficiency and include steps and time lines for the completion of all corrective actions and recommendations listed in the attached report.

We will provide a copy of our report to any individual who makes a request since our report is a public document. If you would like us to include a copy of your corrective action plan when responding to these requests, please indicate this when submitting your plan.

If you need technical assistance in the development of your plan, please feel free to contact the Civil Rights Bureau at (916) 654-2107 (voice) / (916) 654-2098 (TDD). You may also contact us by e-mail at crb@dss.ca.gov.

Sincerely,

RAMÓN S. LOPEZ, Chief
Civil Rights Bureau
Human Rights and Community Services Division

Enclosure

c: Steve Hemmerling, CDSS Food Stamps
Field Operations Bureau
Corrective Action/Management Evaluation Unit, M.S. 16-32

Mike Papin, CDSS Food Stamps
Food Stamps Policy Bureau/Policy Development Unit, M.S. 16-32

Ginny Krebs, Kern Co. DHS Civil Rights Coordinator

**CIVIL RIGHTS COMPLIANCE REVIEW REPORT
FOR
KERN COUNTY
DEPARTMENT OF HUMAN SERVICES
Conducted May 20-22, 2008**

**California Department of Social Services
Human Rights and Community Services Division
Civil Rights Bureau
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Reviewer:

Mary Rockwood

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CIVIL RIGHTS COMPLIANCE REVIEW REPORT

I. INTRODUCTION

The purpose of this review by the California Department of Social Services (CDSS) Civil Rights Bureau (CRB) staff was to assess the Kern County Department of Human Services with regard to its compliance with CDSS Manual of Policies and Procedures (MPP) Division 21 Regulations, and other applicable state and federal civil rights laws.

Interviews with selected public contact staff were held in advance of an on-site review, which was conducted on May 20 and 21, and an exit meeting held with Kern DHS managers and administrative staff on May 22, 2008.

The review was conducted in the following locations:

District	Facility Location	Programs Reviewed	Languages Spoken by a Substantial Number of Clients
Shafter	115 Central Valley Hwy.	NAFS; CalWorks Cash; WTW	English; Spanish
Delano	1816 Cecil Ave.	NAFS; CalWorks Cash; WTW	English; Spanish
Bakersfield	O.C. Sills Bldg. 100 E. California Ave.	NAFS; CalWorks Cash; WTW	English; Spanish

II. SUMMARY OF METHODOLOGY

- Review of the 2007/2008 Annual Civil Rights Plans submitted by the County
- Review of reports from f prior compliance reviews
- Interviews with public contact staff (held in advance of site visit)
- Survey of program managers

On-site review procedures included:

- Case file reviews
- Facility inspections

Each site/program was reviewed for compliance in the following areas:

- Dissemination of Information
- Facility Accessibility for Individuals with Disabilities
- Bilingual Staffing/Services for Non-English-Speaking Clients
- Accessibility for Clients with Visual or Hearing Impairments
- Documentation of Client Case Records
- Staff Development and Training
- Discrimination Complaint Procedures

Below is a summary of the sources of information used for the review:

Interviews Conducted of Public Contact Staff:

Classifications	Total	Bilingual
Human Service Technicians	9	7
Social Workers (Employment Services)	2	2
Lobby Receptionist	3	3
Total	14	12

Program Manager Surveys:

Number of surveys distributed	3
Number of surveys received	3

Reviewed Case Files: 80

English speakers' case files reviewed	3
Non-English or limited-English speakers' case files reviewed	77
Languages of clients' non-English cases	Spanish (76) Tagalog (1)

Sections III through VIII of this report contain specific Division 21 civil rights requirements and present field review findings regarding the county's compliance with each requirement. The report format first summarizes each requirement, then the actual review team findings, including appropriate comparisons. This format is an effort to validate the application of policies and procedures contained in the annual plan. Required corrective actions are stated at the end of each section.

Section IX of the report is reserved for a discussion of the agency's overall compliance.

III. DISSEMINATION OF INFORMATION

Counties are required to disseminate information about program or program changes and about how applicants and recipients are protected by the CDSS regulations (Division 21). This dissemination should occur through outreach and information to all applicants, recipients, community organizations, and other interested persons, including non-English and limited-English speakers and those with impaired hearing or vision or other disabling conditions.

A. Findings

Access to Services, Information and Outreach	Yes	No	Some-times	Comments
Does the county accommodate working clients by flexing their hours or allowing applications to be mailed in?	X			Regular business hours are Monday through Friday, 8:00 AM-5:00 PM. Special arrangements can be made with workers for extended hours and a drop box is made available for receipt of applications.
Does the county have extended hours to accommodate clients?	X			Specific arrangements can be made with workers to accommodate client's needs. (Early schedule @ 7:00 a.m. or lunchtime).
Can applicants access services when they cannot go to the office?	X			Special arrangements can be made with the workers by telephone. Workers will take in-home applications, if necessary.
Does the county ensure the awareness of available services for individuals in remote areas?	X			Collaborative efforts with other community partners are ongoing.

Signage, posters, pamphlets	Yes	No	Some-times	Comments
Does the county use the CDSS pamphlet "Your Rights Under California Welfare Programs" (Pub 13)? Is the pamphlet distributed and explained to each client at intake and renewal/re-certification?	X			Staff interviewed consistently stated that they distributed & explained the Pub 13 at Intake and Renewal/Recertification.
Was the current version of Pub 13 available in English, Spanish, Lao, Vietnamese, Chinese, Hmong, Russian, Korean, Farsi, Armenian and Cambodian?	X			English and Spanish versions were readily available and on display. The required other languages were kept behind the reception window and would be readily available.
Was the Pub 13 available in large print, audiocassette and Braille?	X			
Were the current versions of the required posters present in the lobbies?	X			
Were there instructional and directional signs posted in waiting areas and other places frequented by a substantial number of non-English-speaking clients translated into appropriate languages?	x			Signage was consistently provided in both English and Spanish in all locations reviewed.

B. Corrective Actions: None required

IV. FACILITY ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

The Americans with Disabilities Act (ADA) requires public accommodations to provide goods and services to people with disabilities on an equal basis with the rest of the general public. The goal is to afford every individual the opportunity to benefit from the services available. The federal regulations require that architectural and communication barriers that are structural must be removed in public areas of existing facilities when their removal is readily achievable; in other words, easily accomplished and able to be carried out without much difficulty or expense.

The facility review is based on four priorities supported by the ADA regulations for planning achievable barrier removal projects. The priorities include ensuring accessible approach and entrance to the facility, access to goods and services, access to restrooms, and any other measures necessary. The county must ensure that programs and activities are readily accessible to individuals with disabilities. This includes building accessibility and availability of accessible parking as well as accessibility of public telephones and restrooms.

Note that the references to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) in the Corrective Action column refer to the federal Standards for Design. Title 24 of California Code and Regulations (T24 CCR) is also cited because there are instances when California state law is stricter than ADAAG specifications.

A. Findings and Corrective Actions

Facility Location: 115 Central Valley Hwy., Shafter

Facility element	Findings	Corrective Action
Parking	<p>1. There was no warning sign regarding "unauthorized parking" in the designated accessible parking spaces.</p> <p>2. Existing ISA signage on pavement is so faded that it does not meet the requirement of "visible".</p>	<p>1. Additional signage shall be posted in a conspicuous place at entrances to off-street parking facilities, or adjacent to and visible from each space. Signage shall be 17" by 22" minimum in size with lettering 1" minimum high, stating: "Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for persons with disabilities may be towed away at owner's expense. (CA T24 1129B.5) p. 133</p> <p>2. Pavement signage shall be 36' x 36' minimum, white on blue in color, <i>visible</i> and centered. (CA T24 1129B.5.1 & 2) p. 133</p>

	<p>3. The words "NO PARKING" were not painted on the pavement in each access aisle with letters a minimum of 12" high.</p> <p>4. Access aisles for Van Accessible spaces did not measure 8 feet in width.</p> <p>5. The route to the main door is not stable or safe. The pavement is severely cracked and uneven both in the parking spaces and the path of travel to the main entrance. Cracks make access limited as well as unsafe.</p> <p>6. Signage (Free Standing): 2 of the designated spaces had no signage.</p>	<p>3. The words "NO PARKING" must be painted on the ground in each 5' or 8' loading and unloading access aisle in white letters no smaller than 12". (CA T 24 1129B.4.1 & 2) p. 135</p> <p>4. Access aisles (loading and unloading) shall be 18' x 5' for passenger vehicles and 18' x 8' for vans. (CA T 24 1129B.4.1; ADA 4.6.3)</p> <p>5. Access aisles (load and unload passengers) must connect to the accessible path of travel, including curb cuts or ramps as needed. (CA T24 1129B.4.4, ADA 4.6.3) p. 136</p> <p>Walkways to be a minimum of 48". (CA T24 1133B.7.7) p 160 Slope of curb ramp shall not exceed 1:12. (8.3% slope) (CA T24 1127B.5.3, ADA 4.8.2)</p> <p>6. Sign height shall be 80" minimum from ground to bottom of sign. (CA T24 1129B.5, ADA 4.6.5)</p>
Main Entrance - Signage	No International Symbol of Accessibility (ISA) located on or near front door.	A sign with the ISA shall be at every primary entrance and every major junction indicating the direction along or to accessible features. (CA T24 1127B.3, ADA 4.1.3 (16B), CA T24 1117B.5.8.1.2) p. 183, 353.
Main Entrance - Doors	Front door pressure is too heavy. Entrance door measured 13 lbs. pressure.	Reduce entrance door pressure. Force to open doors, exterior and interior is 5 pounds maximum. (CA T24 1133B.2.5, ADA 4.13.5, CA T24 1133B.1.1.1.) p. 181,191

<p>Restrooms: Men's and Women's</p>	<p>1. Signage: No ISA "accessible" signage located on wall adjacent to latch side of door.</p> <p>2. Door pressure too heavy: Both men's and women's measured approximately 12 pounds.</p> <p>3. Paper towel dispensers in both restrooms are mounted too high with operable part at 48" from floor.</p>	<p>1. ISA door and wall sign shall be mounted 60" above the floor. For permanent identification, the sign shall be installed on the wall adjacent to the latch outside of the door. If there is no space, the sign shall be placed on nearest adjacent wall, preferably on the right. Raised characters shall be raised 1/32" minimum and be Sans Serif upper case characters accompanied by Grade 2 Braille. (CA T23 1117B.5.5.1, ADA 4.30.4) p. 263</p> <p>2. Decrease door pressure. Interior doors shall have 5 lbs. maximum pressure. (CA T24 1133B.2.2, ADA 4.13.11(2)(b) p. 195</p> <p>3. If towel, waste receptacles and other similar dispensing and disposal fixtures are provided, at least one of each type is located with all operable parts, including coin slots, at a maximum height of 40". (CA-ACRM 1115B.9.2 and CA-ACRM 1115B.9.1.2, ADA 4.19.6) p. 269</p>
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Facility Location: 1816 Cecil Ave., Delano

Facility element	Findings	Corrective Action
Parking	<p>1. There was no signage to direct individuals to the designated accessible parking that has been made available (and it is not within the main parking area where the public would normally go to park).</p> <p>2. There was no warning sign regarding "unauthorized parking" in the designated accessible parking spaces.</p> <p>3. Only in the fire lane were the words, "No Parking" painted on the pavement.</p>	<p>1. A sign with the international symbol of accessibility (ISA) shall be at every primary entrance and every major junction indicating the direction along or to accessible features. (CA T24 1127B.3 and 1117B.5.8.1.2; ADA 4.1.3).</p> <p>2. Additional signage shall be posted in a conspicuous place at entrances to off-street parking facilities, or adjacent to and visible from each space. Signage shall be 17" by 22" minimum in size with lettering 1" minimum high, stating: "Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for persons with disabilities may be towed away at owner's expense. (CA T24 1129B.5) p. 133</p> <p>3. The words "NO PARKING" shall be painted on the ground in each 5' or 8' (for van-accessible) loading and unloading access aisle in white letters no smaller than 12". (CA T24 1129B.4.1 & 2) p. 135.</p>
Main Entrance	<p>1. No "accessible signage is located at main entrance.</p>	<p>1. A sign/decal with the ISA shall be at every primary entrance and every major junction indicating the direction along or to accessible features. (CA T24 1127B.3, ADA 4.1.3 (16B), CA T24 1117B.5.8.1.2) pp. 183, 353</p>

	2. Door pressure is too heavy at front doors. Left and right side measured pressure approximately 8 lbs.	2. Reduce entrance door pressure. Force to open doors, exterior and interior is 5 pounds maximum. (CA T24 1133B.2.5, ADA 4.13.5, CA T24 1133B.1.1.1.) p. 181,191
Restrooms	Both Men's and Women's Restrooms: Door pressure is too heavy. (Men's door pressure measured approximately 12 pounds).	Reduce door pressure. Interior doors shall have 5 pounds maximum pressure. (CA T24 1133B.2.5, ADA 4.13.11(2)(b)) p. 195

Facility Location: 100 E. California Ave., Bakersfield

Facility Element	Findings	Corrective Action
Parking	There are currently no van accessible spaces provided in the designated accessible parking closest to the building entrance. Additionally, the access aisles measure only 4 feet in width instead of the 5 feet for passenger vehicles and 8 feet for a van space.	<p>According to facility staff there is a plan under way to re-configure the assessable parking area - which will provide the van accessible space as well as access aisles that meet ADA standards.</p> <p>It is essential that a pathway access aisle connecting to parking to the sidewalk be included in that plan, since individuals currently must cross traffic to reach the sidewalk and there is no access aisle.</p>

Facility Element	Findings	Corrective Action
Main Entrance	<p>1. No "accessible" signage is located at main entrance.</p> <p>2. The entrance door to the building has an automatic opener (push button), however, once inside the building, a second set of doors must be opened to enter the lobby. The pressure needed to open this second set of doors was found too heavy approximately 13 pounds, each side of double door.</p>	<p>1. A sign/decal with the ISA shall be at every primary entrance and every major junction indicating the direction along or to accessible features. (CA T24 1127B.3, ADA 4.1.3 (16B), CA T24 1117B.5.8.1.2) p. 183, 353.</p> <p>2. The force to open doors, exterior and interior is 5 pounds maximum. (CA T24 1133B.2.5 and ADA 4.13.11(2))</p>
Restrooms	<p>1. Both men's and women's restrooms are missing the "accessible" signage – there is no ISA symbol mounted on the door.</p> <p>2. Soap dispensers in both restrooms were mounted too high (43/45 inches)</p>	<p>1. All symbols shall be centered on the door at a height of 60 inches. (CA T 24 1117B.5.5)</p> <p>2. If mirror, towel, sanitary napkin, waste receptacles, and other similar dispensing and disposal fixtures are provided, at least one of each type shall be located with all operable parts, including coin slots, at a maximum height of 40". (Ca ACRM 1115B.9.2 and CA-ACRM 1115B.9.1.2, ADA 4.19.6) p. 269</p>

Accessible Stall	<p>3. Door pressure is too heavy for women's restroom measuring 11 lbs.</p> <p>4. The grab bar was missing behind the toilet in the men's restroom.</p>	<p>3. Accessible doors shall have 5 pounds maximum pressure. (CA T24 1133B.2.5, ADA 4.13.11(2)(b))</p> <p>4. This appears to be a maintenance issue as opposed to a design issue and repair is needed.</p>
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V. PROVISION FOR SERVICES TO APPLICANTS AND RECIPIENTS WHO ARE NON-ENGLISH-SPEAKING OR WHO HAVE DISABILITIES

Counties are required by Division 21 to ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English-speaking population and individuals with disabilities without undue delays. Counties are required to collect data on primary language and ethnic origin of applicants/recipients (identification of primary language must be done by the applicant/recipient).

Using this information, a county may determine 1) the number of public contact staff necessary to provide bilingual services, 2) the manner in which they can best provide interpreter services without bilingual staff and 3) the language needs of individual applicants/recipients. Counties must employ an appropriate number of certified bilingual public contact employees in each program and/or location that serves a substantial number of non-English-speaking persons. In offices where bilingual staff is not required because non-English-speaking persons do not represent a substantial number, counties must provide effective bilingual services through interpreters or other means.

Counties must also provide auxiliary aids and services, including Braille material, taped text, qualified interpreters, large print materials, telecommunication devices for the deaf (TDDs), and other effective aids and services for persons with impaired hearing, speech, vision or manual skills. In addition, they must ensure that written materials be available in individuals' primary languages when the forms and materials are provided by CDSS, and that information inserted in notices of action (NOA) be in the individuals' primary language.

A. Findings from Program Manager Surveys, Staff Interviews and Case File Reviews

Question	Yes	No	Some-times	Comments
Does the county identify a client's language need upon first contact? How?	X			Reception staff at initial contact identifies the language needs utilizing bilingual staff or the "I Speak" cards available at each district office.
Does the county use a primary language form?			X	Kern DHS has developed a new primary language form which is being implemented (Form 439); however, procedures were not fully implemented at the time of the review. The form is to be used at all new intakes and annual recertification.
Does the client self-declare on this form?	X			
Are non-English or limited-English-speaking clients provided bilingual services?	X			Both the interviews and case files reviewed indicate this to be true.
After it has been determined that the client is limited-English or non-English-speaking, what is the county process for procuring an interpreter?	-	-	-	Assignment of Spanish bilingual workers if possible. Workers interviewed had knowledge of how to request assistance from other bilingual staff if needed, for interpretive services.
Is there a delay in providing services?		X		All staff interviewed and responses from Program Manager's surveys state there is no delay in procuring interpretive services.

Question	Yes	No	Some-times	Comments
Does the county have a language line provider, a county interpreter list, or any other interpreter process?	X			Kern County DHS contracts with a language line provider. This resource is seldom used, however, due to the availability of bilingual Spanish staff and the narrow diversity of client population.
Are county interpreters determined to be competent?	X			Personnel certify bilingual staff through a process that tests verbal, reading and writing skills.
Does the county have adequate interpreter services?	X			Interpreter services are adequate for the vast majority of clients who speak Spanish. In the Shafter District, however, there appears to be a lack of available interpreters for the small number of clients who speak only the Oaxacan dialect. In those cases, clients reportedly provide their own interpreters.
Does the county allow minors to be interpreters? If so, under what circumstances?		X		Staff indicated that it is rare to have clients provide own interpreter, but that minors are not to be used as interpreters.
Does the county allow the client to provide his or her own interpreter?	X			According to staff, it is the policy to allow clients to provide their own interpreters; however, the preference is for agency interpreters to be used to ensure effective communication.
Does the county ensure that the client-provided interpreter understands what is being interpreted for the client?	X			There is seldom client-provided interpreters due to the availability of bilingual staff; but a procedure has been developed to advise clients and their interpreters of the possibility for ineffective communication and offers agency-provided interpreters if there is question of proficiency.

Question	Yes	No	Some-times	Comments
Does the county use the CDSS-translated forms in the clients' primary languages?	X			When the language is Spanish, translated forms are used. There was only one case in the sample of 80 other than English or Spanish.
Is the information that is to be inserted into NOA translated into the client's primary language?	X			This was consistently found in the Spanish cases.
Does the county provide auxiliary aids and services, TDDs and other effective aids and services for persons with impaired hearing, speech, vision or manual skills, including Braille material, taped text, large print materials (besides the Pub 13)?	X			The county staff stated they would provide their clients with whatever auxiliary aids they needed and would do "whatever it takes" to accommodate their clients. Staff was familiar with ASL interpreters and TDD equipment for the hearing impaired. Staff indicated someone would be made available to assist the visually impaired client in filling out the forms.
Does the county identify and assist the client who has learning disabilities or a client who cannot read or write?	X			Workers stated that they read the information slowly and carefully to the client, checking frequently for understanding. If client must sign by making their "mark", staff tries to have a witness present to sign as well.
Does the county offer screening for learning disabilities?	X			It is the policy of the Employment Services program WTW staff to always offer this screening.

Question	Yes	No	Some-times	Comments
Is there an established process for offering screening?	X			Offered to English-speaking clients at the WTW initial assessment/appraisal. Since the state does not make the screening tool available in Spanish, only English speakers are afforded this opportunity.
Is the client identified as having a learning disability referred for evaluation?	X			Client referred to "Foster's Assessment", who comes in from Bakersfield once a month for full evaluation. Further referral to Dept. of Rehab. if appropriate.

- B. Corrective Action:** None required by Kern DHS. This reviewer has informed management in the Civil Rights of the limitations to routine learning disability screening of non-English speaking clients due to the State's failure to provide a translated Spanish screening instrument.

Kern County DHS appears to have sufficient bilingual Spanish-speaking workers to serve their large Spanish-speaking population. However, as diversity expands, bilingual staff may not be available. The language line is currently available to address a communication problem arising when a non-English, non-Spanish-speaking client requests services from the Kern County DHS. In addition, use of the language line may reduce the need for additional appointments to be scheduled with on-site interpreters. The language line provides convenience for the worker and immediate interpretive services to the client. Staff may need additional written instructions reminding them how to access and utilize the line in order to ensure it remains a viable tool when language services are needed and no bilingual staff are available to provide that service.

Additionally, Kern DHS is encouraged to develop on-call interpreter resources for the Oaxacan population. The number of clients is currently small, but a need has been identified in the Shafter area.

VI. DOCUMENTATION OF APPLICANT/RECIPIENT CASE RECORDS

Counties are required to ensure that case records document applicant's/recipient's ethnic origin and primary language, the method used to provide bilingual services, information that identifies an applicant/recipient as disabled, and an applicant's/recipient's request for auxiliary aids and services.

A. Findings from Case File Reviews and Staff Interviews

For each documentation item, the location and/or form where the item is documented in the case file is noted. Instances where the case review sample did not contain evidence of the documentation item, the information is based on staff interviews.

Documented Item	CalWORKs (Cash) and Employment Services (WTW)	Food Stamps (NAFS)
Ethnic origin	SAWS-1	SAWS-1
Primary language documentation	SAWS-1; Form 439 for new cases	SAWS-1; Form 439 for new cases
Method of providing bilingual services and	<p>Bilingual workers were not consistent in providing documentation of their role as the interpreter in Spanish-speaking cases. There were some cases with appropriate entry in the case comments, but many cases had no documentation of languages services being provided.</p> <p>[X] Corrective Action Required</p>	<p>Bilingual workers were not consistent in providing documentation of their role as the interpreter in Spanish-speaking cases. There were some cases with appropriate entry in the case comments, but many cases had no documentation of languages services being provided</p> <p>[X] Corrective Action Required</p>
Client provided own interpreter	Staff indicated that notation would be provided in case comments; however, there were no sample cases to validate this.	Staff indicated that notation would be provided in case comments; however, there were no sample cases to validate this.
Method to inform client of potential problem using own interpreter	KCDHS 440 (New Form); Policy Implementation Memo No. 08-04	KCDHS 440 (New Form); Policy Implementation Memo No. 08-04
Release of information to Interpreter	KCDHS 440 (New Form); Policy Implementation Memo No. 08-04	KCDHS 440 (New Form); Policy Implementation Memo No. 08-04

Documented Item	CalWORKs (Cash) and Employment Services (WTW)	Food Stamps (NAFS)
Acceptance or refusal of written material offered in primary language	KCDHS 439(New Form); Policy Implementation Memo No. 08-04	KCDHS 439 (New Form); Policy Implementation Memo No. 08-04
Documentation of minor used as interpreter	Minors not to be utilized as interpreters.	Minors not to be utilized as interpreters.
Documentation of circumstances for using minor interpreter temporarily	N/A	N/A
Translated notice of actions (NOA) contain translated inserts	Provided as needed on Spanish NOA's.	Provided as needed on Spanish NOA's.
Method of identifying client's disability	KCDHS 439(New Form); Policy Implementation Memo No. 08-04	KCDHS 439(New Form); Policy Implementation Memo No. 08-04
Method of documenting a client's request for auxiliary aids and services	KCDHS 439(New Form); Policy Implementation Memo No. 08-04	KCDHS 439(New Form); Policy Implementation Memo No. 08-04

B. Corrective Actions:

Areas of Action	Corrective Action
Documentation that bilingual services were provided (whether by bilingual staff or other resources)	<p>REPEAT FINDING FROM 2006 and 2007 REVIEW Kern County DHS must ensure that staff document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or client provided interpreter. Div. 21-116.22</p> <p>Note: There was evidence found in the case file reviews that some training has been provided, however, there was major inconsistency and not common practice on the part of bilingual workers.</p>

C. Recommendations/Observations:

Information obtained from the staff telephone interviews and case file reviews indicate that Kern County DHS does not reflect consistent practice for documenting the provision of interpretive services in compliance with the Division 21 regulations. For some cases that had bilingual Spanish workers, the only way the reviewers would know that the worker was bilingual would be to refer to the department telephone list which indicates the bilingual employees and their language spoken. As bilingual workers, some staff were not aware of the requirement to document the fact that they served as the interpreter for clients on their own caseload. There was often no documentation or journal entry to establish how communication was established in any of the non-English-speaking cases in the review sample.

Kern County DHS is commended for the work completed on the development of a Primary Language Form and Policy Implementation Memorandum (No. 08-04). Findings in prior years included repeat deficiencies related to the documentation of language service needs, the offer of translated written material and both the existence of disabilities and accommodations/assistance provided. Corrective action was underway at the time of the 2008 review. Therefore, documentation was not yet consistent, but as the new procedures in the policy memorandum and the new forms are fully implemented, it is anticipated that future cases will reflect consistency of this policy application.

VII. STAFF DEVELOPMENT AND TRAINING

Counties are required to provide civil rights and cultural awareness training for all public contact employees, including familiarization with the discrimination complaint process and all other requirements of Division 21. The training should be included in orientation, as well as the continuing training programs.

A. Findings

Interview questions	Yes	No	Some-times	Comments
Do employees receive continued Division 21 Training?	X			Staff interviewed indicates they have periodic civil rights training; however, recommendation is made additional content to focus on related casework responsibilities such as documentation.
Do employees understand the county policy regarding a client's rights and procedure to file a discrimination complaint?	X			

Does the county provide employees Cultural Awareness Training?	X			
Do the employees seem knowledgeable about the predominant cultural groups receiving services in their area?	X			

B. Corrective Actions: None required.

Note: It is recommended that there be additional focus on casework responsibilities related to civil rights (e.g. documentation) in the content of ongoing training.

VIII. DISCRIMINATION COMPLAINT PROCEDURES

Counties are required to maintain a process for addressing all complaints of discrimination. They must track complaints of discrimination through the use of a control log in which all relevant information is kept, including when the complaint was received, the name of the complainant, identifying numbers and programs, basis of discrimination, and resolution. It is usually the Civil Rights Coordinator responsibility to maintain this log.

A. Findings from Staff Interviews and Program Manager Surveys

Interview and review areas	Yes	No	Some-times	Findings
Can the employees easily identify the difference between a program, discrimination, and a personnel complaint?	X			All of the staff interviewed was able to distinguish among the different types of complaints.
Did the employees know who the Civil Rights Coordinator is?	X			
Did the employees know the location of the Civil Rights poster showing where the clients can file a discrimination complaint?	X			
When reviewing the complaint log with the Civil Rights coordinator, was it up to date?	-	-	-	The complaint log has been forwarded to the assigned program analyst in the Civil Rights Bureau.

B. Corrective Action: None required.

IX. CONCLUSION

The CDSS found the Kern County DHS in substantial compliance with CDSS Division 21 Regulations, and other applicable state and federal laws. The civil rights program was visible in the main reception areas with translated signage and an overall "climate" of participant service. Staff reflected a commitment similar to that expressed by management with respect to ensuring access and assistance. Perhaps the best testimony is the progress made in developing responsive corrective action to findings that had been cited previously in successive compliance reviews relative to case documentation. While there remains additional work to be done in documentation of language services by bilingual workers, other documentation issues have been addressed and upon implementation of newly published procedures outlined in Policy Implementation Memorandum No. 08-04, these issues will be resolved.

It should be noted that there was, once again, exceptional cooperation and coordination provided by the Civil Rights Coordinator and the district staff throughout the review. The reviewer was able to discuss the findings with district supervisory staff and found them to be both receptive and informative.

Kern County DHS must remedy the violations that were identified in this report by taking corrective actions. A corrective action plan must be received by CDSS within 60 days of the date of the cover letter to this report; and the plan must include a schedule by which all actions will be taken to correct the violations.

It is our intent that this report be used to create a positive interaction between the county and CDSS in identifying and correcting compliance violations and to provide the county with an opportunity to implement corrective action to achieve compliance with Division 21 regulations. Civil Rights staff is available to provide technical assistance as requested.